THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE DR.JUSTICE G.YETHIRAJULU

–

WRIT APPEAL NO.8 OF 2003.

DATED: 10-11-2005

Between

1.Sardar Patel College, rep. By its
Secretary-cum-Correspondent,
Padmaraonagar, Secunderabad and
another

….Appellants

And

1.V.L.Rau son of Appa Rao, Lecturer
in Commerce (Unaided),Sardar Patel
College, Padmaraonagar, Secunderabad
And another

…Respondents

–

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides.

The appellants herein are the respondents in the writ petition who seek to assail the order allowing the writ petition filed by the respondent herein seeking to assail the impugned action in not allowing him to continue as Lecturer in Commerce (Unaided).

The grievance of the writ petitioner is that he was appointed on 25-07-2000 regularly and for no fault of him, he was not allowed to join the duty. Hence he filed the writ petition.

Contesting the claim of the petitioner, the case of the appellants is that the petitioner's appointment is purely temporary and therefore, he has no enforceable right. It is further contended that the writ petition was filed merely on the apprehension and he has approached this Court even before any termination order was passed.

The learned single Judge after taking into consideration the respective submissions made by both sides found that absolutely there is no justification in regard to the action in not allowing the petitioner to continue as Lecturer in Commerce and therefore, allowed the writ petition.

During the course of arguments, it is pointed that pending writ petition, there was no interim order and subsequently after allowing the writ petition, interim stay was granted on 13-06-2003 in this appeal and the same is in force.

Having considered the submissions made and on perusal of record, it is seen that admittedly the writ petitioner was appointed on 25-07-2000 and the very order says that he was appointed as temporary Lecturer in Commerce (Unaided) and since the appointment is purely temporary, he can be terminated at any time without any notice. It is further seen that admittedly, no order of termination was passed. Since he was not allowed to join duty, apprehending any action, the petitioner filed the writ petition. In the above circumstances, we do not find any justification to entertain the very claim of the petitioner. No doubt, the writ petitioner has no right to seek the relief since his appointment is purely on temporary basis. In the circumstances, it is not necessary to go into the merits of the case. It would suffice in the interest of justice to direct the appellants to take appropriate action.

Accordingly, the writ appeal is disposed of directing the appellants to take appropriate action in accordance with law. No costs.

B.PRAKASH RAO, J

Dated: 10-11-2005.

G.YETHIRAJULU, J

Hsd